

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

B18030082

| | | |
|----------------|---|---------------------------|
| IN RE: |] | CASE NO. 17-36627 |
| |] | CHAPTER 13 |
| David L Ruano; |] | JUDGE Jack B. Schmetterer |
| |] | |
| Debtor(s). |] | |

AGREED ORDER CONDITIONING THE AUTOMATIC STAY

On the motion of THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Trustee for FIRST HORIZON ALTERNATIVE MORTGAGE SECURITIES TRUST 2007-AA3, secured creditor herein, for the entry of an order modifying the automatic stay to permit it to foreclose its mortgage on said real estate:

IT IS HEREBY ORDERED that the automatic stay in this case, as it applies to the interest of THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Trustee for FIRST HORIZON ALTERNATIVE MORTGAGE SECURITIES TRUST 2007-AA3, its successors and/or assignees in the real property, commonly known as 9858 S Avenue J, Chicago, Illinois 60617, shall continue in effect under the following conditions:

1. The debtor(s) shall make the following stipulation payments timely and directly to THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Trustee for FIRST HORIZON ALTERNATIVE MORTGAGE SECURITIES TRUST 2007-AA3. These payments include the 4/01/2018 post-petition payment of \$989.22, post-petition attorney fees/costs in the amount of \$1,031.00, with a suspense credit of \$0.35, and less funds tendered in court in the amount of \$989.22, for a total post-petition default amount of \$1,030.65. If any of the following payments are not received by its due date or are returned NSF, the automatic stay shall be automatically modified to permit foreclosure, without further order of the Court, upon 14 days written notice to the debtor(s) and to the attorney for debtor(s), during which period the debtor(s) may cure the said default:
 - a) \$171.77 due on or before the end of the month plus the 05/01/2018 regular payment.
 - b) \$171.77 due on or before the end of the month plus the 06/01/2018 regular payment.

- c) \$171.77 due on or before the end of the month plus the 07/01/2018 regular payment.
 - d) \$171.77 due on or before the end of the month plus the 08/01/2018 regular payment.
 - e) \$171.77 due on or before the end of the month plus the 09/01/2018 regular payment.
 - f) \$171.80 due on or before the end of the month plus the 10/01/2018 regular payment.
2. The debtor(s) shall thereafter continue making timely post-petition mortgage payments as per the terms of the security agreements.
3. If debtor(s) fall(s) two (2) months in default on any payment, as referred to in paragraphs 1 and 2, the automatic stay shall be automatically modified to permit foreclosure, without further order of the Court, upon 14 days written notice to the debtor(s) and to the attorney for debtor(s), during which period the debtor(s) may cure the said default. In the event Debtor becomes delinquent after two (2) notices of default, then upon the third default the Automatic Stay shall terminate as to the Movant without further recourse to this Court and Movant shall be allowed to take any and all steps necessary to exercise any and all rights it may have in the property commonly known as 9858 S Avenue J, Chicago, Illinois 60617. Movant shall file a Notice of Termination with the Court in the event the stay is terminated pursuant to this paragraph.
4. In the event of a default, the Debtor(s) shall tender the required funds along with a \$50.00 service fee, payable to THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Trustee for FIRST HORIZON ALTERNATIVE MORTGAGE SECURITIES TRUST 2007-AA3, to the offices of Anselmo Lindberg & Associates LLC at the address below. The payment must be made in the form of a certified check, money order, or cashier's check. The \$50.00 service fee will be collectible against the Debtor(s), payable to either Creditor or its counsel pursuant to the terms of the notice regarding the default. For purposes of determining when the stay is modified, the stay shall be considered modified upon the expiration of the cure term when the Debtor(s) fail to cure.

DATED:

MAY 23 2018

5/23/18

ENTER:

Bankruptcy Judge

/s/ Nisha B. Parikh

Attorney for Creditor



Attorney for Debtor(s)

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THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR.